

REMARKS

Claims 1-55 are pending in the subject application. No claims have been indicated to be allowable.

35 USC 112

Claims 4, 20 and 47 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

The Examiner has suggested that the phrase “toiletries” as recited in Claim 4 and 20 is indefinite. The claims have been amended to delete this term. The Examiner has also suggested that the terms “ antioxidant system, fat major trace and ultraceminerals and m-inositol” are indefinite. Claim 47 has been amended to delete these terms.

Accordingly, this rejection is moot and should now be withdrawn.

35 USC 102

Claims 1-5, 11-14, 16-23, 28-31, 33-36, 44-47, 49 and 51 stand rejected under 35 USC 102(b) as being anticipated by Nakashima et al (USP No. 4,645,662A). This rejection is respectfully rejected.

Briefly, applicants' claims, as now amended, recite a method and composition for inhibiting an undesirable taste by adding to a specified orally administrable composition having an undesirable taste, a sulfated polysaccharide in an amount sufficient to inhibit all or a portion of the undesirable taste.

Nakashima et al. discloses an oral composition for preventing and remedying dentinal hypersensitivity which comprises aluminum and a carboxylate compound in a solubilized state. Nakashima et al. discloses using carrageenan in combination with hydroxyalkylcellulose to improve the formability, syneresis, smoothness, stringing and stability of the composition. Nakashima et al. fails to teach or in any way

disclose a composition as claimed by applicant, i.e. an orally administrable composition selected from the group consisting of foods, beverages, pharmaceuticals, nutraceutical and mixtures thereof. Consequently, Nakashima et al. fails to anticipate applicants invention by failing to teach each and every element thereof.

Accordingly, this rejection is now moot and should be withdrawn.

35 USC 103

Claims 1-55 stand rejected under 35 USC 103 (a) as being unpatentable over Lowry et al (US PG PUB 20010007878 A1) in view of Nakashima et al (US patent No. 4,645,662 A) This rejection is respectfully traversed.

For reasons as stated herein above, Nakashima et al fails to teach or in anyway disclose a composition as now claimed by applicants. The examiner has suggested that Nakasaki et al teaches that carrageenan can be used as a taste masking agent. However, applicants' strongly disagree with the the Examiner's assertions. Clearly, Nakashima et al. discloses using carrageenan in combination with hydroxyalkylcellulose to improve the formability, syneresis, smoothness, stringing and stability of the composition. (See Co. 5, lines 42). Nakashima fails to teach that the unpleasant or astringent taste is mask by the use of carrageenan alone. This fact is further supported by the Examples of the reference. In Example 4, Table 7, the evaluation of the astringent taste showed that **that carrageenan does not mask the astringent taste** of the composition (Column 14 of Table 7). The same effect is seen in Table 8, **where carrageenan without the addition of menthol does not mask the astringent taste!**

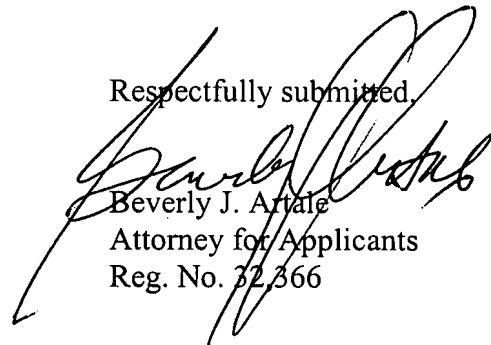
Clearly, one skilled in the arts of taste masking would not be led by Nakashima et al to use a carrageenan in a composition or method as claimed by applicants to mask an undesirable taste since it is clearly ineffective in masking the astringent taste of aluminum materials used in the compositions as disclosed y Nakashima et al. The property of carrageenan to mask undesirable taste in applicants' invention is unexpected and clearly unforeseen,

Consequently, Nakashima et al fails to render obvious applicants invention as now claimed.

The Lowery et al. patent does not cure the deficiencies of the Nakashima et al. reference so as to render applicants invention unpatentable. Clearly, the Lowery et al. reference discloses the use of carrageenan as emulsifiers and/or stabilizers. The Lowery et al reference fails to teach or in any way suggested the use of carrageenan to mask the taste of the amino acid arginine. Consequently, applicants' invention is unobvious over either of Lowery et al or Nakashima alone or in combination.

For reasons as stated herein above, Applicants' invention is inventive and unobvious over the prior art of record. Accordingly, allowance of Claims 1-55 is earnestly requested.

Respectfully submitted,



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